

HOUSE No. 2912

By Mr. Lantigua of Lawrence, petition of William Lantigua for legislation to provide for a bonus for veterans of operation enduring freedom. Veterans and Federal Affairs.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT PROVIDING FOR A BONUS FOR VETERANS OF OPERATION ENDURING FREEDOM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Upon application, as hereinafter provided, there
2 shall be allowed and paid out of the treasury of the common-
3 wealth to each person who shall have served in the armed forces
4 of the United States in active service during operation enduring
5 freedom who was discharged or released under honorable condi-
6 tions from such service, the sums hereinafter specified; provided,
7 that the domicile of every person on account whose service the
8 application is filed shall have been in the commonwealth for a
9 period of not less than six months prior to the time of his entry
10 into the service.

11 1. \$500 to each such veteran who performed active service in
12 the Operation Enduring Freedom area.

13 2. \$300 to all other such Operation Enduring Freedom vet-
14 erans who were called to active service in support of said opera-
15 tion as members of the Army National Guard or an National
16 Guard or as a reservist in the Armed Forces of the United States in
17 an area other than The Operation Enduring Freedom area.

1 SECTION 2. The words “armed forces”, as used in this act,
2 shall mean the following:— United States Army, Army of the
3 United States, United States Navy, United States Naval Reserve,
4 United States Coast Guard, United States Coast Guard Reserve,
5 Army Nurse Corps, Navy Nurse Corps, United States Air Force

6 and United State Air Force Reserve and including women's
7 branches of said armed forces.

1 SECTION 3. Applications hereunder shall be filed with the
2 commissioner of veterans' services upon forms to be furnished by
3 him. The commissioner may accept the written statement of the
4 clerk of a city or town that a person claiming pay or on whose
5 account pay is claimed by a dependent or heir-at-law, under the
6 provisions of this act, was domiciled therein on the first day of
7 January, in any year, as prima facie evidence of the fact of such
8 domicile, and he may accept such other evidence of domicile as
9 he may consider adequate or necessary. The clerks of the several
10 cities and towns shall, at the request of the commissioner, forth-
11 with such information relative to such domicile as their records
12 may disclose. The commissioner may require and accept such
13 additional evidence as he may consider necessary to establish the
14 fact of domicile within the commonwealth as provided under
15 section on of this act.

1 SECTION 4. In the case of the decease of any person who
2 would, if alive, be entitled to benefits under this act, the sum
3 therein shall be paid to his heirs-at-law, provided, however if there
4 is more than 1 heir-at-law; payments shall in either case be made
5 in such proportions as the commissioner shall determine, and in
6 determining the order of precedence so far as practicable the
7 following order shall be observed:— wife and children, mother or
8 father, brother or sister, other dependents; provided, however, that
9 no right or payment under this act shall be subject to the claims of
10 creditors, capable of assignment, regarded as assets, legal or equi-
11 table, of the estate of the deceased or made the basis for adminis-
12 tration thereof. In case of the decease of any person who died in
13 active service as specified herein there shall be paid the sum of
14 \$500 subject to and in the manner prescribed herein.

15 In the case of any person who is mentally incompetent and is
16 entitled to the benefits of this act and for whom no legal guardian
17 has been appointed by the court, the sum named therein shall be
18 paid to his or her dependents, and in determining the order of
19 precedence so far as practicable the following order shall be
20 observed:— wife and children, mother or father, brother or sister,
21 other dependents.

22 Any person aggrieved by a decision of the commissioner in the
23 matter of payments provided for by this act may appeal to a board
24 to consist of a member of the department, a city or town veterans'
25 agent appointed pursuant to section 3 of chapter 115 of the
26 General Laws both of whom shall be designated by commissioner
27 and the adjutant general or his designee and shall be entitled to a
28 hearing, after due notice, upon such appeal. The decision of the
29 board shall be final.

1 SECTION 5. Whoever knowingly makes a false statement, oral
2 or written, relating to a material fact supporting a claim under this
3 act shall be punished by a fine of not more than \$1,000 or by
4 imprisonment for not more than 3 years or both. Offenses under
5 this act may be prosecuted by the attorney general or under his
6 direction, in any court in the commonwealth and all fines col-
7 lected thereunder shall be paid into the state treasury.